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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,222	09/17/1999	SAIMA KHAN	DAVOX-171XX	9791

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BOURQUE & ASSOCIATES, P.A.  
835 HANOVER STREET  
SUITE 303  
MANCHESTER, NH 03104

EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 09/10/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/398,222

Applicant(s)

KHAN, SAIMA

Examiner

Ricardo M. Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Objections*

1. Claims 1-14 are objected to because of the following informalities and it is suggested to applicant:

In claim 1 line 2 insert 'of' before -said-, insert "plurality of distributed" before -call-, replace 'center'" with -centers-.

In claim 1 line 6 insert "plurality of" before -call-.

In claim 1 line 7 delete "said".

In claim 11 line 2 and line 6 replace " networked" with -distributed-

In claim 13 line 4 replace "networked" with -distributed-

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. Claims 6, 7, 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said at least one distributed call center dynamic export exclusion center" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim because in claim 1 line 4 applicant is referring to " a dynamic data record exclusion system".

Claims 7, 9 and 13 are rejected due to their dependency.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Khan.

U.S. patent No. 6,587,557 ( Smith et al) discloses a System and method for distributing outbound telephony services over a computer network, comprising a plurality of distributed call centers, each call center including a CTI system having a data record system ( elements 40 and 42 in Fig. 1, col 2 lines 52-57, col 4 lines 10-16), said plurality of distributed call centers linked over a computer network ( computer network 30 in Fig. 1) , said sssytem capable of transferring a data record between said plurality of distributed call centers ( call list group record is transmitted to each distributed call center in the network, col 5 lines30-34), as in claim 1.

Smith did not specifically disclose each of said distributed CTI having a dynamic record exclusion system having at least one exclusion table, said system comprising an exclusion record exporter and an exclusion record importer interfacing said dynamic data record exclusion system.

U.S. patent No. 6,345,094 ( Khan et al) discloses an Inbound / Outbound Call Record processing system, comprising a distributed CTI ( 14 in Fig. 1) having a dynamic record exclusion system ( Call record processing system updates record in real time and include an exclusion list, col 6 lines 18-26) having at least one exclusion table ( exclusion list 58 in Fig.1) , said system

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comprising: an exclusion record exporter ( Outbound call campaign manager that is responsive to the Exclusion list 58, col 6 lines 64-67) and an exclusion record importer ( inbound call campaign manager 60 in Fig. 1) interfacing a dynamic data record exclusion system (In response to an inbound call the call record finder 30 looks up for a matching call record by searching the call record updates 38. When the call record is found the record is placed in the exclusion list 58, col 8 lines 9-145) , as in claim 1.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the method as disclosed by Khan to the system disclosed by Smith with the motivation of obtaining a system and method for processing inbound and outbound telephone calls that allows records in an outbound call list to be accessed and used for inbound telephone calls.

***Allowable Subject Matter***

5. Claim 14 would be allowable if amended to overcome objection under 37 USC 1.75.
6. Claims 2-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening . Please also notice rejection(s) under 35 U.S.C. 112, second paragraph for claims 6, 7,9 and 13 set forth in this Office action.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. patent No. 6,411,708 ( Khan) discloses a System for purging a call list.
- U.S. patent No. 6,141,412 ( Smith et al) discloses an Unscheduled event task processing system.
- U.S. patent No. 5,796,791 ( Polcyn ) discloses a Network based predictive dialing.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

September 5, 2003

  
*Ricardo M. Pizarro*

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600